

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SUPERIOR SCAPE, INC.

Plaintiff,

v.

Case No. 21-12889

JCB DESIGN & BUILD, LLC, and
JASON BRYAN

Defendants.

**ORDER DENYING IN PART PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER AND DIRECTING DEFENDANTS TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD NOT BE ENTERED**

On December 9, 2021, Plaintiff Superior Scape, Inc. filed an *ex parte* "Motion for Temporary Restraining Order, Order to Show Cause, and Preliminary Injunction." (ECF No. 2.). Plaintiff seeks to enforce a settlement agreement arising out of a previously filed action for misappropriation of trade secrets.¹ The court has reviewed Plaintiff's instant motion and determined that the requirements for issuing a temporary restraining order under Federal Rule of Civil Procedure 65(b) are not met in this case. Specifically, Plaintiff's fails to convince the court that "*immediate* and *irreparable* injury, loss, or damage will result . . . before the adverse party or that party's attorney can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A) (emphasis added). However, because its claims appear meritorious on their face, the court will grant Plaintiff's request for an order directing Defendants to show cause as to why a preliminary injunction should not be entered against them. Accordingly,

¹ The previous case filed by Plaintiff, Case No. 21-10965, has been closed.

IT IS ORDERED that Plaintiff's "Motion for Temporary Restraining Order, Order to Show Cause, and Preliminary Injunction" (ECF No. 2) is DENIED IN PART.

Specifically, it is DENIED with respect to the request for a temporary restraining order. Plaintiff is DIRECTED to effectuate proper service of its newly filed Complaint and Motion on Defendants' counsel of record on the previous case, Case No. 21-10965, by **Monday, December 13, 2021**. Additionally, Plaintiff is DIRECTED to send via email its Complaint and a copy of this order to Mark William Steiner, James J. Boutrous, and/or any new counsel for Defendants of whom Plaintiff is aware.

IT IS FURTHER ORDERED that Defendants are DIRECTED to show cause, in writing, by **Monday, December 20, 2021**, why the court should not enter a preliminary injunction against them.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 10, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 10, 2021, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(810) 292-6522

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